

**MINUTES
BOARD OF APPEALS
Monday, September 19, 2016
City Hall, Room 604
5:30 p.m.**

*****For more detailed information regarding the meeting, please see the meeting video on our website at <http://greenbaywi.gov/event/zoning-planning-board-of-appeals/> and follow the time stamp listed on each item.***

MEMBERS PRESENT: Don Carlson—Chair, Greg Babcock-Vice-Chair, and Thomas Hoy

MEMBERS EXCUSED: None

OTHERS PRESENT: Paul Neumeyer, Dave Kamps, Scott Trembl, Sarah Valentine, Larry Vanness, Tom Tedford, Tyson Tatro, Ald. Mark Steuer, Patrick and Debra Swiekatowski, Pat Petzel, Sally Laurence, Rory and Kristin Quinn, Anthony Reale, Brian Miller, Ryan Lewis, Dan Goblen, Dan Roarty and Rose Perez

D. Carlson called the meeting to order and asked if Members had gone out to the properties. G. Babcock went to all the properties, T. Hoy went to all except two properties; D. Carlson did not go out to any properties. He then asked if any members had spoken to anyone regarding the variance requests. All stated no. D. Carlson then asked Members if anyone needed to abstain from voting. All stated no.

APPROVAL OF MINUTES:

Approval of the August 15, 2016, minutes of the Board of Appeals.

A motion was made by T. Hoy and seconded by G. Babcock to approve the August 15, 2016, minutes of the Board of Appeals. Motion carried. (3-0) (0:00:38)

OLD BUSINESS:

NEW BUSINESS:

1. David Kamps, property owner, proposes to construct a detached garage in a Rural Residential (RR) District at 3397 Haven Place. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-615(c) (1), location of a detached structure and Chapter 13-615, Table 6-4 maximum size of a detached structure. (Ald. T. Sladek, District 12) (0:00:53)

Dave Kamps, 3397 Haven Place, appeared and stated he would like to build a 1,200 sq. ft., two-stall garage with extra storage space to the left side of the house. The property in the backyard slopes towards a sandpit making access difficult. The garage would be nearly 400 ft. from the pavement and wouldn't be very visible from the street.

P. Neumeyer reported that City Ordinance requires placement of detached accessory structures to the side or rear of the principle structure. At the time D. Kamps filled out the permit the wrong

residential zoning code may have been looked at; however, 1,200 sq. ft. is admissible for this property.

Scott Trembl, 3394 Haven Place, appeared and stated that he lives directly across the street from D. Kamps and strongly urged the Committee to approve this request. He stated that D. Kamps takes very good care of his property and that the garage wouldn't be visible through the trees.

Discussion that followed included that there is a hardship given because the rear of the property slopes and isn't buildable, there aren't many other choices on the property to place the garage, and that the size isn't an issue.

A motion was made by G. Babcock and seconded by T. Hoy to grant the variance as requested. Motion carried. (3-0)

2. Mark and Sarah Valentine, property owners, propose to construct a shed in a Low Density Residential (R1) District at 3026 Nicolet Drive. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4, number of structures allowed. (Ald. B. Dorff, District 1) (0:07:01)

Sarah Valentine, 3026 Nicolet Drive, appeared and stated when they purchased this property it was an historic farm with empty fields. They placed an acre size garden along the property that faces Church Road, are raising chickens, and recently received permission for two goats. The goats need a structure to be housed in, and the 8 ft. by 14 ft. wood shed is what they would like the variance for. Her husband already built the shed because they mistakenly believed that if a structure was less than 150 sq. ft. in size they wouldn't need a permit for it. Their hardship is that they need a building to house the goats in. The City ordinance only allows for so many structures on the property and they have already passed that number.

Larry Vanness, 2039 Kassner, appeared and stated he doesn't have a problem with the structure.

Tom Tedford, 3416 Church Road, appeared and stated he lives on Church Road across the street from the Valentines and he opposes the variance. T. Tedford distributed photographs of their view of the Valentine's property. The pictures show that all of the structures differ in size, shape, and color and he would like to keep the integrity of the neighborhood. He stated he doesn't have anything personal against the Valentines but doesn't want his property value to diminish because of the various structures that are visible from across the street.

Tyson Tatro, 3410 Church Road, appeared and stated when he built a shed several years ago on his property there were specifications and requirements to follow so that the shed replicated the house. He believes that the Valentines should have to follow the same rules.

Discussion that followed included the use of this property as agriculture instead of the residential use it is zoned for, that it was once used as a farm and wasn't under a covenant like it's neighboring properties were, and whether the use of the land is compatible with neighboring properties.

P. Neumeyer stated that under current zoning it is not permissible to have livestock on the property or as many structures as the Valentines have.

S. Valentine stated they received permission for two goats from the City of Green Bay's Animal Control Officer.

P. Neumeyer reported that the Animal Control Officer may have granted approval, but the keeping of livestock is regulated under the Zoning Code.

Ald. Steuer stated he believes the Animal Control Officer would have to go through various committees, the Green Bay Police Department, and the Common Council for approval before she can grant permission for the goats.

T. Tedford stated this variance isn't about the goats; it's about the structures that are visible to neighboring properties and that these structures should be aesthetically pleasing and made to resemble each other.

D. Carlson stated that he is going to deny the variance because of his concerns that the property may be considered rezoned if approved, and that a line must be drawn regarding the number of structures allowed on a property.

G. Babcock made a motion to approve the variance as requested; he doesn't believe the zoning could change by approving it. He did go out to the property and stated that the shed does look nice. Motion failed for lack of a second.

T. Hoy stated the neighbors have a vested financial interest in their own property and are opposed to this shed. He also has concerns that the shed was built without a permit, and now a variance is being sought for it. He agrees with denying the variance.

S. Valentine stated they were unaware of their neighbors' opinions of the structures. They painted them red to match and try to make them look appealing. They want to make the neighbors happy and would consider changing the looks of the structures.

A motion was made by T. Hoy and seconded by D. Carlson to deny the variance as requested. Motion carried, with G. Babcock voting no. (2-1)

3. Patrick and Debra Swiekatowski, property owners, propose to construct a garage in a Low Density Residential (R1) District at 1653 Nancy Avenue. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-4, front yard setback, detached accessory building. (Ald. M. Steuer, District 10) (0:37:49)

Patrick Swiekatowski, 1653 Nancy Avenue, appeared and stated their primary hardship is no matter where the garage is placed on their property they cannot meet the 55 ft. setback. The original garage was built in the 1950's and needs to be demolished due to its age and condition. They would like to build a two-stall garage in order to fit both their cars and have extra storage. They would also like to install a new driveway; the original driveway will be removed and replaced with grass.

Ald. Steuer stated this address is in his district and he approves this variance. He stated where the driveway currently is already presents a challenge getting vehicles in and out of the garage and for that fact alone would like to see the driveway removed.

A motion was made by T. Hoy and seconded by G. Babcock to approve the variance as requested. Motion carried. (3-0)

4. Patricia Petzel, property owner, proposes to build a front porch in a Low Density Residential (R1) District at 1370 Dousman Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-604, Table 6-2, front yard setback. (Ald. M. Steuer, District 10) (0:42:58)

Pat Petzel, 1370 Dousman Street, appeared and stated the porch is already built because she didn't realize she needed a permit to do so. The former porch was deteriorated and needed to be removed. She distributed a picture of the completed porch, and stated it will be stained once she receives approval. She also distributed a copy of an approval letter from a neighbor across the street. The porch is 6 ft. by 8 ft. and is larger than her neighbor's porches are; however, she used good materials building it and feels that it brings a good look to the neighborhood and enjoys using it. She was unaware of the 5 ft. setback and that the porch could only be 5 ft. x 5 ft. in size.

Ald. Steuer reported this is in his district and that he doesn't have any issues with it and approves the variance.

D. Carlson stated that more of these requests may come before this Committee and an idea should be formed as to where to draw the line regarding setbacks.

A motion was made by G. Babcock and seconded by T. Hoy to approve the variance as requested. Motion carried. (3-0)

5. Sally Laurence, property owner, proposes to widen an existing driveway in a Varied Density Residential (R3) District at 915 Day Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1709, side yard setback. (Ald. R. Scannell, District 7) (0:53:48)

Sally Laurence, 915 Day Street, appeared and stated the new driveway is already built. She received an order to replace the deteriorated driveway by Inspector Brenda Seidl. After it was poured she was again contacted by Inspector Seidl and informed that a permit should have been obtained prior to replacing the driveway and that permission was needed to bring it right to the lot line. She wanted the driveway expanded in order to park her RV there instead of in the rear of the property and the hardship is that the expanded driveway already exists. Removing the expanded area would cause structural damage to the remaining driveway because of the rebar under the concrete. S. Laurence stated the neighbors don't have any issues with it.

G. Babcock and T. Hoy stated they went to the property and the driveway looks good. D. Carlson stated he understands why S. Laurence would have wanted the driveway expanded and doesn't see any problems with it.

A motion was made by T. Hoy and seconded by G. Babcock to approve the variance as requested. Motion carried. (3-0)

6. Rory and Kristin Quinn, property owners, propose to extend the height of a fence for a property located in a Low Density Residential (R1) District at 1153 Chicago Street. The applicants request to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-521(a)(1), fence height. (Ald. B. Galvin, District 4) (0:58:46)

Rory Quinn, 1153 Chicago Street, appeared and stated they would like to extend the length of their privacy fence to 6 ft. in front of their front porch. The property owner next door stated he would help them install the fence.

Kristin Quinn stated that the fence will be along the property line, not along the driveway.

T. Hoy and G. Babcock stated they visited the property and a fence would be a nice addition to the property and neighborhood.

A motion was made by G. Babcock and seconded by T. Hoy to approve the variance as requested. Motion carried. (3-0)

7. Anthony Reale, property owner, proposes to extend the height of a fence for a property located in a Low Density Residential (R1) District at 1375 Porlier Street. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-521(a)(1), fence height. (Ald. B. Galvin, District 4) (1:03:10)

Anthony Reale, 1375 Porlier Street, appeared and stated he is on a corner lot and doesn't have a large yard. Pictures of the proposed fence were distributed, and he stated that the current fence is deteriorated and needs to be replaced, especially since he has young children at home. He was informed when he applied for the permit that he couldn't place it beyond the garage and he would like to extend it past that and closer to the sidewalk to give the children more room to play in. They also would like the fence to be a 6 ft. solid privacy fence versus a chain link fence.

P. Neumeyer stated he could place a semi-solid fence right up to the sidewalk. A. Reale responded that privacy is important to them, and if they're not granted the variance then they will place the 6 ft. solid wood fence in accordance to the ordinance.

Discussion that followed included the height of the fence being requested and that it could create a vision issue at the intersection if it's solid wood.

A motion was made by G. Babcock and seconded by T. Hoy to deny the variance as requested. Motion carried. (3-0)

8. Brian Miller, property owner, proposes to construct a detached garage in a Low Density Residential (R1) District at 1051 Division Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-615, Table 6-2, accessory uses that exceed the principal use and Section 13-609, maximum impervious surface. (Ald. M. Steuer, District 10) (1:13:35)

Brian Miller, 2895 Lepak Lane, appeared and stated that he inherited the property at 1051 Division Street. The current garage is an old, very small, one-stall garage that needs to be replaced. He is seeking a variance to exceed the 280 sq. ft. allowed to build a new two-stall garage that will be placed in a position similar to the ones on the neighboring properties. He would also like to extend the driveway. The new driveway and garage may extend over the 50-50 greenspace. If this variance is allowed the property will become more appealing and the value will increase. According to City ordinance the garage cannot be larger than the house.

T. Hoy stated the only problem raised would be the loss of green space and he doesn't see that as an issue.

Ald. Steuer stated if the garage was moved a little more to the west then he could meet the green space. Ald. Steuer stated that several issues were brought up regarding different ordinances tonight and some of them should be revisited. He doesn't have any issues with granting this variance.

Discussion that followed included placing the garage in a different area to avoid applying for a variance, the meaning of the phrase “in no case shall”, grandfathering the existing garage’s separation from the lot line, and that the size of the garage being requested isn’t unreasonable.

A motion was made by T. Hoy and seconded by G. Babcock to approve the variance as requested, adding a variance for driveway and garage to match current driveway and garage setback. Motion carried. (3-0)

9. Ryan Lewis, property owner, proposes to widen an existing driveway in a Low Density Residential (R1) District at 1607 Kalahari Drive. The applicant requests to deviate from the following requirement in Chapter 13, Green Bay Zoning Code, Section 13-1705, maximum driveway width. (Ald. T. Sladek, District 12) (1:33:11)

Ryan Lewis, 1607 Kalahari Drive, appeared and distributed a site plan. He explained that he color coded it to show the existing driveway, and the expansion he would like to match the garage addition he has planned. The current ordinance states the driveway must be a 30 ft. wide curb cut including the flairs, and he is requesting to go to 36 ft. max and tapering back to roughly 31 ft. back into the sidewalk with the allowed angle. This extension will allow him the extra space needed when backing items into the garage without driving onto the grass and rutting up the area. The driveway opens onto Crusade Lane and wouldn’t impede on neighboring driveways.

T. Hoy stated that he viewed the property and the variance request would be consistent with other driveways in the neighborhood.

D. Carlson stated that this request is basically for convenience. G. Babcock responded there are safety reasons too because of how children at King School are being picked up on Crusade Lane which increases the traffic. R. Lewis agreed and stated he wouldn’t try to back anything up the driveway at the same time school lets out due to the increased traffic.

Discussion included consistency with neighboring properties, and whether having enough room backing into the garage should be considered a hardship.

A motion was made by G. Babcock and seconded by T. Hoy to approve the variance as requested. Motion carried. (3-0)

10. Dan Gobin, property owner, proposes to remove and repave an existing parking lot in a Highway Commercial (C2) District at 1369 East Mason Street. The applicant requests to deviate from the following requirements in Chapter 13, Green Bay Zoning Code, Section 13-810, Table 8-2, front & corner side yard setback and Section 13-1821(d)(2) interior lot landscaping. (Ald. B. Galvin, District 4) (1:45:23)

Dan Gobin, 1592 East Mason Street, appeared and stated that he is proposing a new auto sale store at 1369 East Mason Street. He stated with the required 15 ft. setback there isn’t enough room in the current parking lot to display larger size vehicles, and that the current pavement is in really poor condition. There are four entries into the parking lot and he’s planning to close the two that are closest to the corner by installing curbs, and also wants to remove the corner sign for the former business. He would like to use 5 ft. of the 20 ft. of green space to expand the lot in order to sell trucks and SUV’s as opposed to the cars he sells in his other lot. He demonstrated on the site plan where he plans to park the vehicles for sale.

This will be a second auto business for him and he believes it will become very successful and generate tax dollars for the City. D. Goben stated that he plans to remain at this address selling vehicles for a long time, and also plans to make improvements to the office building that is on site. Improvements were already made to the service building.

Dan Roarty appeared and stated that he is an architect with Dimension IV. He reported there is currently only enough room for approximately 15 vehicles. The existing pavement is in very poor condition and needs to be vacated. He stated that D. Goben doesn't have to replace it, but by replacing the pavement and still keeping greenspace creates a visual improvement to this area.

Rose Perez appeared and stated she was here to represent the Covarrubias family who reside at 522 S. Baird Street which is two houses down from this property. The family was concerned after hearing there will be development at this address and wanted to be informed of what that development would be and how it will affect the value of their home. D. Goben stated that 1369 East Mason Street is the only address in that area zoned for commercial use.

Discussion that followed included replacing the pavement would be beneficial to this property, the property's zoning, the ordinance that suggests a 15 ft. setback separation from the sidewalk with green space, and the scope of the duties of this Committee.

A motion was made by G. Babcock and seconded by T. Hoy to approve the variance as requested. Motion carried. (3-0)

A motion was made by T. Hoy and seconded by G. Babcock to adjourn the meeting at 7:37 p.m. Motion carried. (3-0)

Meeting adjourned.